

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

9384-2557 QUÉBEC INC., a Canadian corporation;
MINEDMAP, INC., a Nevada corporation; and SERENITY
ALPHA, LLC, a Nevada limited liability, and other similarly
situated individuals,

Plaintiffs,

-against-

**NOTICE OF MOTION TO
DISMISS**

NORTHWAY MINING, LLC, a New York limited liability
company; MICHAEL MARANDA, an individual; MICHAEL
CARTER, an individual; CSX4236 MOTORCYCLE
SALVAGE, LLC, a New York limited liability company;
DROR SVORAI, an individual; MINING POWER GROUP,
INC., a Florida corporation; HUDSON DATA CENTER, INC,
a New York Corporation, MICHAEL MARANDA, LLC, a
New York Limited liability company; PORTER KING HILL
CONTRACTING, LLC, COINMINT, LLC, a Delaware limited
liability company,

Civ. Action No.: 1:19-CV-00501-
TJM-CFH

Defendants.

PLEASE TAKE NOTICE, that the Moving Parties specified below, by and through their undersigned attorneys, will move this Court for an Order granting the relief described below, at the time and place set forth below:

Moving Parties: Defendants Northway Mining LLC, Michael Maranda, Hudson Data Center, Inc. and Michael Maranda LLC.

Motion Directed To: Plaintiffs 9384-2557 Québec Inc., MinedMap, Inc. and Serenity Alpha, LLC

Motion Date: **JUNE 8, 2020** at 10:00 a.m., at the James T. Foley Courthouse, United States District Court for the Northern District of New York, 445 Broadway, Albany, N.Y. 12207

Relief Sought: Dismissal of Count I (RICO claim) and Count III (civil conspiracy claim) set forth in the plaintiff's Amended Complaint (ECF Doc. #29) for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and Local Rule 7.1(b), and dismissal of all claims by plaintiffs 9384-2557 Québec Inc. and Serenity Alpha LLC for improper venue/forum non conveniens

pursuant to Rule 12(b)(3), together with such other relief in favor of the moving defendants as the Court deems just and proper

Supporting Papers: The papers offered in support of the motion are: (i) the Memorandum of Law in Support of Defendants' Motion to Dismiss dated May 8, 2020; (ii) the Declaration of Michael Maranda dated May 7, 2020 with Exhibits; and (iii) all prior papers and pleadings had herein, filed with the Court and made a part of the ECF docket for this case.

PLEASE TAKE FURTHER NOTICE, that pursuant to Local Rule 7.1(b), the party opposing the motion must file its opposition papers with the Court and serve them upon the undersigned not less than **seventeen (17) days prior** to the above-listed Motion Date. The Moving Parties intend to serve and file reply papers.

Dated: Troy, New York
May 8, 2020

Respectfully submitted,

E. STEWART JONES HACKER MURPHY LLP

/s/ John F. Harwick

By: John F. Harwick

Benjamin F. Neidl

*Attorneys for Defendants Northway Mining LLC,
Michael Maranda, Michael Maranda LLC and
Hudson Data Center Inc.*

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